IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 116 of 1998

VASHRAM MERAMAN KOLI

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Appeal No. 116 of 1998

MS BANNA S DUTTA for Petitioner No. 1

MR KT DAVE, APP for Respondent No. 1

CORAM : MR.JUSTICE B.J.SHETHNA

and

MR.JUSTICE M.S.SHAH

Date of Order: 18/02/2003

ORAL ORDER

(Per : MR.JUSTICE B.J.SHETHNA)

The appellant-accused has filed this appeal through jail challenging his order of conviction and sentence dated 8.1.1998 passed by the learned Sessions Judge, Jamnagar in Sessions Case No. 136 of 1996 whereby he is convicted for the offence punishable under Section 302 IPC and sentenced to suffer life imprisonment and to pay fine of Rs.200/- in default three months simple imprisonment.

2. Ms Banna Dutta, learned counsel appointed as amicus curiae to defend the appellant-accused has addressed us yesterday and today. Before passing final order, we are of the considered opinion that the presence of the appellant-accused, who has filed the appeal through jail, is required in this case as an exceptional case. Therefore, the jail authority is directed to produce the appellant-accused before us at 2.15 PM today.

3. A copy of this order be given to Shri Dave, learned APP for its implementation forthwith. The office to communicate this order to the Jail Superintendent, Sabarmati Central Prison, Ahmedabad forthwith telephonically.

(B.J. Shethna, J.)

(M.S. Shah, J.)

sundar/-